

**REVISED PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R012-16

June 3, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 501.105 and 501.181, as amended by sections 1 and 1.2, respectively, of Assembly Bill No. 78, chapter 202, Statutes of Nevada 2015, at page 956.

A REGULATION relating to wildlife; prohibiting a person from placing, maintaining or using a trail camera under certain circumstances; providing exceptions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners: (1) to establish policies and adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat; and (2) in establishing such policies and adopting such regulations, to consider first the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission. (NRS 501.105, as amended by section 1 of Assembly Bill No. 78, chapter 202, Statutes of Nevada 2015, at page 956) Existing law also requires the Commission to adopt regulations necessary to carry out the provisions of title 45 of NRS governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.181, as amended by section 1.2 of Assembly Bill No. 78, chapter 202, Statutes of Nevada 2015, at page 956) This regulation prohibits a person from placing, maintaining or using a trail camera at any time if the placement, maintenance or use of the camera prevents wildlife from accessing, or alters the manner in which wildlife accesses, a spring, water hole or artificial basin that is used by wildlife and collects, or is designed and constructed to collect, water. This regulation, with certain exceptions, also prohibits a person, during the period beginning August 1 and ending December 31 of each year, from placing, maintaining or using a trail camera: (1) in a wildlife management area or unit in this State if the camera transmits, or is capable of transmitting, images or video to a receiving or viewing device at another location; or (2) within 200 feet of a spring, water hole or artificial basin that is used by wildlife and collects, or is designed and constructed to collect, water.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A person shall not place, maintain or use a trail camera:

(a) At any time if the placement, maintenance or use of the camera prevents wildlife from accessing, or alters the manner in which wildlife accesses, a spring, water hole or artificial basin which is used by wildlife and collects, or is designed and constructed to collect, water.

(b) Except as otherwise provided in subsection 2, during the period beginning August 1 and ending December 31 of each year:

(1) In a wildlife management area or unit in this State if the camera transmits, or is capable of transmitting, images or video to a receiving or viewing device at another location;
or

(2) Within 200 feet of a spring, water hole or artificial basin which is used by wildlife and collects, or is designed and constructed to collect, water.

2. The provisions of paragraph (b) of subsection 1 do not apply to:

(a) A person who is acting within the scope of his or her official duties, who has clearly marked each camera to be used to indicate ownership and who is:

(1) An employee or authorized agent of this State;

(2) An employee of a municipal or county government of this State; or

(3) An employee of the Federal Government.

(b) A member of a recognized wildlife conservation organization who has clearly marked each camera to be used to indicate ownership and who is acting on behalf of the organization to monitor the use by wildlife of any source of water specified in paragraph (a) of subsection 1.

(c) A trail camera placed, maintained or used on private property with the permission of the landowner.

(d) A trail camera placed, maintained or used to monitor the use by livestock of any source of water specified in paragraph (a) of subsection 1 if the owner of the camera is the holder of

a permit to appropriate water for the purpose of watering livestock issued by the State Engineer.

3. As used in this section, “trail camera” means any device which is not held or manually operated by a person and which is used to capture images or video using heat or motion to trigger the device.